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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SLITERIS, JOSELYNN Y

ART UNIT

PAPER NUMBER

3616

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/534,220	<b>Applicant(s)</b> BERNTSSON ET AL.	
	<b>Examiner</b> JOSELYNN Y. SLITERIS	<b>Art Unit</b> 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 4/23/09 (RCE) & 5/7/09 (Declaration).
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/23/09 has been entered.

### ***Acknowledgement***

2. Examiner acknowledges receipt of applicant's Declaration (filed 5/7/09), which has been approved by the examiner.

### ***Drawings***

3. The drawings are still objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the air-bag being formed from one piece of woven fabric that forms the at least two super-imposed layers of fabric in claim 4 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The amendment filed 4/23/09 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: in claims 1 lines 12-13, “each of the mounting elements being positioned centrally of a corresponding adjacent pair of the partitions”; and in claim 12 lines 13-14, “each of the mounting elements being positioned centrally of a corresponding adjacent pair of partitions”.

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-5 and 7-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claims 1 lines 12-13, the recitation “each of the mounting elements being positioned centrally of a corresponding adjacent pair of the partitions”; and in claim 12 lines 13-14, the recitation “each of the mounting elements being positioned centrally of a corresponding adjacent pair of partitions” lack proper antecedent basis in the original disclosure as filed, and as such is considered to be new matter.

Applicant notes on page 8 of the "Remarks" that support for this amendment may be found in Applicants' application at paragraphs [0010], [0035] and [0039], and Figures 1-2. However, examiner disagrees. Applicants' application at paragraph [0010] discloses “Preferably the mounting elements are each located ***substantially centrally*** of a respective adjacent pair of partitions”. Applicants' application at paragraph [0035] discloses “Preferably each mounting tab 14 is located on the upper edge 6 ***substantially midway*** between the adjacent seams 30 defining a respective cell 32”. Applicants' application at paragraph [0039] discloses “It has been found, surprisingly,

that with the mounting tabs 14 located **between** adjacent seams 30, and above the cells 32, a good unrolling or deployment characteristic is achieved". Therefore, it is the examiner's position that there is no disclosure of "each of the mounting elements being positioned **centrally** of a corresponding adjacent pair of partitions" in the original disclosure as filed, and the new matter rejection above is proper.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 1-3, 5, 7, 8, 11-13, and 16 are rejected under 35 U.S.C. 102(a) as being anticipated by Hoeft et al. (U.S. Patent Application Publication 2002/0158450 A1).

9. Regarding claims 1-3, 5, 7, 8, and 11, Hoeft discloses an inflatable curtain 10 as in the present invention comprising the inflatable curtain 10 formed from at least two super-imposed layers of fabric (paragraph [0032]) and having an upper attachment edge 50 provided with a plurality of mounting elements 54 for mounting the inflatable curtain in the interior of the vehicle for deployment adjacent an interior surface of the vehicle cabin, with one of the fabric layers being an inboard layer 46, and the other of the fabric layers being an outboard layer 48, the inflatable curtain also having a lower edge 52 spaced from the upper attachment edge, a gas-flow passage 56 extending along the upper attachment edge, an inflatable region formed between the upper

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attachment edge and the lower edge which is divided into a plurality of cells 65 by a plurality of partitions 63 extending substantially transversely relative to the axis of the gas-flow passage 56, the cells communicating with the gas-flow passage, each of the mounting elements (at least a part thereof) being positioned centrally of a corresponding adjacent pair of the partitions (Fig. 3), the lower edge of the inflatable curtain being movable from a stowed position in which the curtain is in an uninflated condition to a deployed position when the curtain is in an inflated condition by inflation of the inflatable region of the inflatable curtain, the inflatable curtain being at least partially rolled-up in the stowed position to form a roll 88 with the lower edge within the roll and with the inboard layer of fabric forming the exterior of the roll (Fig. 4a);

wherein the partitions are seams;

wherein the seams are formed by stitching through the inboard layer and the outboard layer (paragraph [0032]);

wherein the seams are formed by adhesion (paragraph [0032]);

wherein a portion of the outboard layer of the inflatable curtain extends from the upper attachment edge and then turns to join the roll 88 (Fig. 4a);

wherein straps 66, 74 extend from spaced-apart points on the air-bag, each of the straps having a free end 70, 78 adapted to be secured to a respective anchoring point formed on the interior of the vehicle cabin;

wherein the air-bag is connected to a gas generator 26.

10. Regarding claims 12, 13, and 16, Hoeft discloses a method of preparing an air-bag as in the present invention, comprising the steps of providing the air-bag having an

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inflatable curtain 10 formed from at least two super-imposed layers (paragraph [0032]) and having an upper attachment edge 50 provided with a plurality of mounting elements 54 for mounting the inflatable curtain in the vehicle cabin, with one of the layers being an inboard layer 46, and the other of the layers being an outboard layer 48, the inflatable curtain also having a lower edge 52 spaced from the upper attachment edge, a gas-flow passage 56 extending along the upper attachment edge, and between the upper attachment edge and the lower edge an inflatable region which is divided into a plurality of cells 65 by a plurality of partitions 63 extending substantially transversely relative to the axis of the gas-flow passage, the cells communicating with the gas-flow passage, each of the mounting elements (at least a part thereof) being positioned centrally of a corresponding adjacent pair of partitions (Fig. 3), the lower edge of the inflatable curtain being movable from a stowed position to a deployed position by inflation of the inflatable region of the inflatable curtain, the method further comprising the steps of rolling 88 at least part of the inflatable curtain with the lower edge within the roll and with the inboard layer forming the exterior of the roll (Fig. 4a);

wherein the air-bag is folded such that a portion of the outboard layer of the inflatable curtain extends from the upper attachment edge and then turns to join the roll (Fig. 4a);

further comprising the step of connecting the air-bag to a gas generator 26.



***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 4, 9, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoeft et al. (U.S. Patent Application Publication 2002/0158450 A1) in view of Li et al. (U.S. Patent 6,429,155 B2).

13. Regarding claim 4, Hoeft discloses the claimed invention except for the air-bag being formed from one piece of woven fabric that forms the at least two super-imposed layers of fabric. But Li discloses that it is known in the art to provide an air-bag 10, 126 formed from one piece of woven fabric that forms the at least two super-imposed layers of fabric (Figs. 1, 4, 5). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the air-bag of Hoeft according to the teachings of Li, in order to form the airbag using an alternative technique old and well known in the art. Applicant also admits in paragraph [0029] of the specification that this technique is "familiar to those skilled in the art".

14. Regarding claims 9 and 14, Hoeft discloses the claimed invention except for the airbag being enclosed in a sleeve and the step of encasing the air-bag in a sleeve. But Li discloses that it is known in the art to provide an airbag 126 enclosed in a sleeve 122 and the step of encasing an air-bag 126 in a sleeve 122. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to

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provide the airbag of Hoeft with the sleeve of Li, in order to protect the air-bag during transportation and assembly as well as to facilitate assembly.

15. Claims 9, 10, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoeft et al. (U.S. Patent Application Publication 2002/0158450 A1) in view of Saita et al. (U.S. Patent 6,293,581 B1).

16. Regarding claims 9, 10, 14, and 15, Hoeft discloses the claimed invention except for the airbag being enclosed in a sleeve, parts of the air-bag extending through apertures formed in the sleeve such that the parts protrude from the sleeve, the step of encasing the air-bag in a sleeve, and the step of locating parts of the air-bag to extend through apertures formed in the sleeve such that the parts protrude from the sleeve. But Saita discloses that it is known in the art to provide an airbag 21 (Fig. 9) enclosed in a sleeve 58, parts of the air-bag 21b, 21c, 21d, 21e, 21f extending through apertures 58<sub>2</sub> formed in the sleeve 58 such that the parts protrude from the sleeve, the step of encasing the air-bag 21 in a sleeve 58, and the step of locating parts of the air-bag 21b, 21c, 21d, 21e, 21f to extend through apertures 58<sub>2</sub> formed in the sleeve 58 such that the parts protrude from the sleeve. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the air-bag and method of Hoeft with the sleeve of Saita, in order to protect the air-bag during transportation and assembly as well as to facilitate assembly.

***Response to Arguments***

17. Applicant's arguments filed 4/23/09 have been fully considered but they are not persuasive.

18. In the "Objection to the Drawings" on page 7 of Applicants' "Remarks", Applicants submit that the features of claim 4 are now shown in Figure 1. However, examiner disagrees. It is the examiner's position that Fig. 1 does not show the air-bag being formed from one piece of woven fabric that forms the at least two super-imposed layers of fabric. Therefore, the drawing objection is still proper.

19. On page 8 of the "Remarks", Applicant argues "Claims 1 and 12 were amended to recite that each of the mounting elements are positioned centrally of a corresponding adjacent pair of partitions. Support for this amendment may be found in Applicants' application at paragraphs [0010], [0035] and [0039], and Figures 1-2".

However, examiner disagrees. Applicants' application at paragraph [0010] discloses "Preferably the mounting elements are each located ***substantially centrally*** of a respective adjacent pair of partitions". Applicants' application at paragraph [0035] discloses "Preferably each mounting tab 14 is located on the upper edge 6 ***substantially midway*** between the adjacent seams 30 defining a respective cell 32". Applicants' application at paragraph [0039] discloses "It has been found, surprisingly, that with the mounting tabs 14 located ***between*** adjacent seams 30, and above the cells 32, a good unrolling or deployment characteristic is achieved". Therefore, it is the examiner's position that there is no disclosure of "each of the mounting elements being

positioned **centrally** of a corresponding adjacent pair of partitions" in the original disclosure as filed, and the new matter rejection above is proper.

20. Nevertheless, Applicant further argues on pages 8-9 of the "Remarks" that "Hoeft discloses ... As illustrated in Figure 3, the tabs 54 either touch or overlap only one of the adjacent seams 63 while being substantially spaced apart from the opposed adjacent seam 63. Accordingly, the attachment tabs 54 are not centrally positioned between the seams 63. This is unlike applicant's invention as recited in claims 1 and 12 where each of the mounting elements are positioned centrally of a corresponding adjacent pair of partitions".

Again, examiner disagrees. It is the examiner's position that Hoeft discloses the positive limitation "each of the mounting elements 54 (at least a part thereof) being positioned centrally of a corresponding adjacent pair of partitions", as recited in claims 1 and 12.

### ***Conclusion***

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSELYNN Y. SLITERIS whose telephone number is (571)272-6675. The examiner can normally be reached on Monday, Wednesday & Thursday 8:30 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-7742. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joselynn Y. Sliteris/  
Examiner, Art Unit 3616  
6/15/09

/Christopher P Ellis/  
Supervisory Patent Examiner, Art Unit 3618